IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.3939 OF 2005

Shri Rameshwar Shreekisan Bhutada, .. Petitioner. (Orig.deft)

Vs

Ramanlal Govinddas Gujarathi, .. Respondent (Orig.Plff)

Mr U.S.Upadhyay i/b Mr S.M.Chandrachood, for the petitioner.
Mr Mahan Pungalia, for the respondent.

CORAM : D.B.BHOSALE,J.
DATE : 18.01.2007.

PC:
1. Heard the learned counsel for the parties.

2. The petitioner has impugned the order dated 28.4.2005 passed by the appeal court on the application at Exhibit-15 in Civil Appeal No.243 of 2005. By this order, the petitioner is directed to deposit the arrears and uptodate rent of the premises in the court and only on compliance thereof, Exhibit-5 application was to be taken up for hearing. Having regard to the overall facts and circumstances of the case, I am not inclined to interfere with the impugned order. I am satisfied that the following order shall meet the ends of justice:

(i) The petitioner to deposit the amount as directed by the impugned order within a period of six weeks from

today.

(ii) The appeal court shall hear and decide the application Exhibit-5 without awaiting the deposit of the rent as aforestated. If the application Exhibit-5 is allowed, that order would be subject to deposit of the arrears and upto date rent.

(iii) The appeal court shall hear and decide the application Exhibit-5 as expeditiously as possible and preferably within a period of six weeks from today. The petitioner to produce a copy of this order before the court below within one week from today.

(iv) With these observations, the writ petition stands disposed of.

(D.B.BHOSALE,J.)